



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Bayes, Esq.
Holtzman Vogel Josefiak PLLC
45 North Hill Drive, Suite 100
Warrenton, VA 20186

OCT 25 2013

Re: MUR 6760
Strong Economy For Massachusetts, Inc.
Ernesto DiGiambattista in his official capacity as treasurer

Dear Mr. Bayes:

On October 22, 2013, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(g), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Tracey K. Ligon
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

2013 MAY 15, PM 2:16

In the Matter of:

Strong Economy for Massachusetts, Inc.
and Ernesto DiGiambattista in his official
capacity as treasurer

OFFICE OF
Pre-MUR 551 COMM.

CONCILIATION AGREEMENT

This matter was initiated by a *sua sponte* submission made to the Federal Election Commission (the "Commission") by Strong Economy for Massachusetts, Inc. and Ernesto DiGiambattista in his official capacity as treasurer ("Respondent"). The Commission engaged the Respondent in Fast-Track Resolution under the Commission's *sua sponte* policy, 72 Fed. Reg. 16,695 (Apr. 5, 2007), and thus has not made a finding that there is reason to believe a violation has occurred.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to findings of reason to believe, do hereby agree as follows:

I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered under 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that the Commission should take no action in this matter.

III. Respondent enters voluntarily enters into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

1. Respondent is an independent expenditure-only political committee that registered with the Commission in 2012. Ernesto DiGiambattista is its treasurer.

2. Between October 22 and October 31, 2012, Respondent made five independent expenditures to a vendor, Majority Strategies, for "voter contact mail." Three of the expenditures, totaling \$96,448.03, opposed candidate John Tierney and the other two expenditures, totaling \$78,954.02, supported candidate Richard Tisei, both candidates in the 2012 general election for Massachusetts' 6th Congressional District seat.

3. The Federal Election Campaign Act of 1971, as amended, requires a political committee that makes, or contracts to make, independent expenditures aggregating \$1,000 or more in connection with a given election after the 20th day, but more than 24 hours before the date of an election, to file a report describing the expenditures within 24 hours. 2 U.S.C. § 434(g)(1); 11 C.F.R. § 104.4(c). These reports must be filed within 24 hours "following the date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated." 11 C.F.R. § 104.4(c). The committee must file additional reports within 24 hours each time it makes or contracts to make independent expenditures aggregating an additional \$1,000. *Id.*

4. Respondent spent \$175,402.05 on five independent expenditures but did not timely file the required 24-hour notification reports for them with the Commission.

5. Respondent first disclosed the five independent expenditures to the Commission on December 5, 2012, by filing a 24-hour notice almost a month after the 2012

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general election, and filed its 2012 Post-General Report reporting the same independent expenditures on Schedule E on December 6, 2012.

V. Respondent failed to timely file 24-hour notification reports with the Commission for five independent expenditures, in violation of 2 U.S.C. § 434(g).

VI. Respondent will take the following actions:

1. Respondent will pay to the Commission a civil money penalty in the amount of Nine Thousand Dollars (\$9,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondent will cease and desist from violating 2 U.S.C. § 434(g).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed it and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

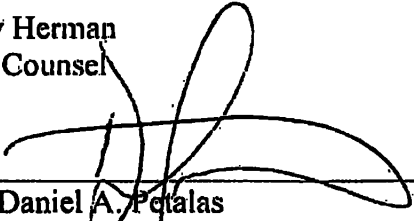
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X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either oral or written, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Anthony Herman
General Counsel

BY:


Daniel A. Petalas
Associate General Counsel
for Enforcement

^{D.P.}
10/24/13
Date

FOR THE RESPONDENT:


Name: Michael Baycs
Position: Counsel

5/14/2013
Date

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